

 **ORIGINAL****UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**----- X  
THE GAP, INC. and  
GAP (APPAREL) LLC,

Plaintiffs,

v.

G.A.P. ADVENTURES INC.,

Defendant.  
----- X

07 CIV 9614 (AKH)

**NOTICE OF MOTION FOR  
ADMISSION *PRO HAC VICE* OF  
DAVID M. KELLY**

PLEASE TAKE NOTICE that, pursuant to Rule 1.3 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, upon the annexed Affidavit of Judith R. Cohen, dated December 17, 2007, and the exhibit thereto, the undersigned moves this Court for an Order admitting David M. Kelly to the bar of this Court, *pro hac vice*, on behalf of plaintiffs in the above-captioned matter.

Dated: December 17, 2007  
New York, New York

Respectfully submitted,

By: 

Steven I. Weisburd (SW-5325)  
Lawrence C. Drucker (LD-9423)  
Judith R. Cohen (JC-8614)  
Dickstein Shapiro LLP  
1177 Avenue of the Americas  
New York, New York 10036-2714  
Telephone: (212) 277-6500  
Facsimile: (212) 277-6501

Attorneys for Plaintiffs The Gap,  
Inc. and Gap (Apparel) LLC

90 925-636262 DEC 17 2007

 ORIGINAL

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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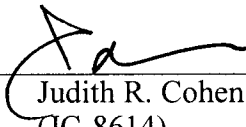
**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Judith R. Cohen, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of DAVID M. KELLY, Finnegan, Hendersen, Farabow, Garrett & Dunner, L.L.P., 901 New York Avenue, N.W., Washington, D.C. 20001, telephone: (202) 408-4000, fax: (202) 408-4400.

David M. Kelly is a member in good standing of the Bar of the States of Louisiana and Pennsylvania and the District of Columbia. True and correct Certificates of Good Standing from the Bars of the States of Louisiana and Pennsylvania and the District of Columbia are attached hereto. There are no pending disciplinary proceedings against David M. Kelly in any State or Federal Court.

Dated: December 17, 2007  
New York, New York

Respectfully submitted,

By:   
\_\_\_\_\_  
Judith R. Cohen  
(JC-8614)  
Dickstein Shapiro LLP  
1177 Avenue of the Americas  
New York, New York 10036-2714  
Telephone: (212) 277-6500  
Facsimile: (212) 277-6501



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

DAVID M. KELLY


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was on the 17<sup>TH</sup> day of APRIL, 1987

duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on  
December 12, 2007.

GARLAND PINKSTON, JR., CLERK

By:   
Deputy Clerk

**Louisiana State Bar Association**

The Louisiana State Bar Association hereby certifies that\_\_\_\_\_

Mr. David M Kelly

901 New York Ave NW

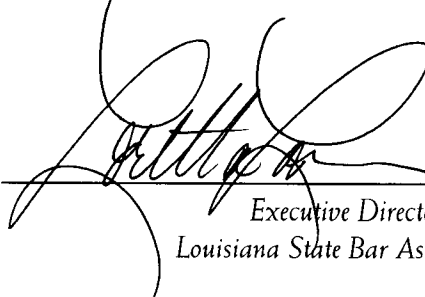
whose address is\_\_\_\_\_

Washington, DC 20001-4413

is a member in good standing of the Louisiana State Bar Association as of this date, and that  
said person was duly admitted to practice in the courts of the State of Louisiana on the

11th day of October, 1985.

Given over my hand and the Seal of the Louisiana State Bar Association, this 6th  
day of December, 2007.

  
\_\_\_\_\_  
Executive Director  
Louisiana State Bar Association



Supreme Court of Pennsylvania

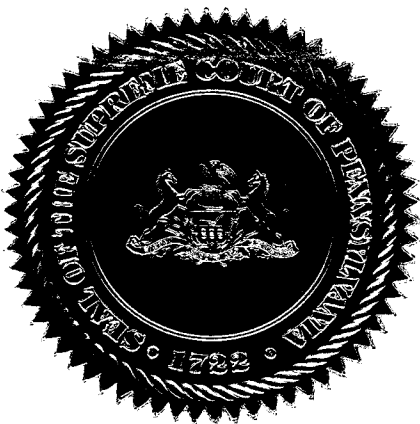
**CERTIFICATE OF GOOD STANDING**

***David Michael Kelly, Esq.***

**DATE OF ADMISSION**


***October 31, 1983***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: November 20, 2007**

  
Patricia A. Johnson  
Chief Clerk

 ORIGINAL

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**AFFIDAVIT OF  
JUDITH R. COHEN  
IN SUPPORT OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE**

State of New York     )  
                              )     ss:  
County of New York    )

JUDITH R. COHEN, being duly sworn, hereby deposes and says as follows:

1. I am counsel with Dickstein Shapiro LLP, 1177 Avenue of the Americas, New York, N.Y. 10036, attorneys for plaintiffs in the above-captioned matter. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of plaintiffs' motion to admit David. M. Kelly as counsel *pro hac vice* to represent plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in February 1977. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known David M. Kelly since December 2007.


4. Mr. Kelly is a partner with the law firm of Finnegan, Hendersen, Farabow, Garrett & Dunner, L.L.P., in its Washington, D.C. office.

5. I have found Mr. Kelly to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

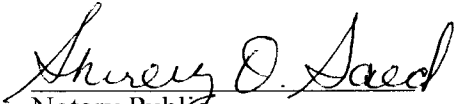
6. Accordingly, I am pleased to move the admission of David M. Kelly, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of David M. Kelly, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit David M. Kelly, *pro hac vice*, to represent plaintiffs in the above captioned matter, be granted.

  
\_\_\_\_\_  
Judith R. Cohen  
(JC-8614)

Sworn to me this 17 day  
of December 2007

  
Notary Public

**SHIRLEY O. SAED**  
Notary Public, State of New York  
No. 01SA5072143  
Qualified in New York County  
Certificate Filed in New York County  
Commission Expires January 27 2011



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**ORDER ADMITTING COUNSEL  
*PRO HAC VICE***

ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

Upon the motion of Judith R. Cohen, attorney for The Gap, Inc. and Gap (Apparel) LLC and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that, David M. Kelly, Finnegan, Hendersen, Farabow, Garrett & Dunner, L.L.P., 901 New York Avenue, N.W., Washington, D.C. 20001, telephone: (202) 408-4000, fax: (202) 408-4400, email address: david.kelly@finnegan.com, is admitted *pro hac vice* to as counsel for The Gap, Inc. and Gap (Apparel) LLC in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: \_\_\_\_\_, 2007  
New York, New York

\_\_\_\_\_  
ALVIN K. HELLERSTEIN  
United States District Judge

## CERTIFICATE OF SERVICE

Shirley O. Saed